

The opinion in support of the decision being entered today was *not* written for publication and is *not* binding precedent of the Board.

Paper No. 12

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte TIMOTHY C. LOMMASSON

Appeal No. 2000-0310
Application 08/848,759

ON BRIEF

Before WARREN, OWENS and JEFFREY SMITH, *Administrative Patent Judges*.

OWENS, *Administrative Patent Judge*.

DECISION ON APPEAL

This is an appeal from the examiner's final rejection of claims 1-13. Claims 14-19, which are all of the other claims in the application, stand withdrawn from consideration by the examiner as being directed toward a nonelected invention.

THE INVENTION

The appellant's claimed invention is directed toward a

flangeless feed through which is useful in the supplying of power

to a device through a passage in a wall of a vacuum chamber
such as a semiconductor processing chamber. Claim 1 is
illustrative:

1. A flangeless feed through for supplying power to a device through a passage in a wall of a vacuum chamber, the feed through comprising:

an insulator ring securely positioned in the passage;

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a first threaded insert; and
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        a second threaded insert which engages the first threaded
insert;
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wherein the insulator ring is gripped by the first and second threaded inserts.

THE REFERENCE

Cheng et al. (Cheng) 5,772,473 Jun. 30,
1998
(filed Jan. 2,
1997)

THE REJECTIONS

Claims 1-13 stand rejected under 35 U.S.C. § 102(e) as
being anticipated by or, in the alternative, under 35 U.S.C.

§ 103 as being obvious over Cheng.

OPINION

We reverse the aforementioned rejections.

Cheng discloses a fuse holder (abstract). The components of the fuse holder relied upon by the examiner are within and between the circles labeled "A" and "B" in figure 3. These components include a rubber seal ring (18), which the examiner considers to be the appellant's insulator ring, a first connector (21) which includes an embossed outside wall (23) and a screw rod (24), and a second connector (22) which includes an inner thread (25) (col. 2, lines 12-23). In the assembled fuse holder (figure 4) the rubber seal ring is gripped in an annular space between the second connector and an end cap (16) which surrounds the second connector.

Each of the appellant's independent claims requires that an insulator ring is gripped by first and second threaded inserts. The examiner argues that because Cheng's first and second connectors, which the examiner considers to be the appellant's first and second threaded inserts, are threaded together in such a manner when the fuse holder is assembled that the rubber seal ring is gripped between the second

connector and the end cap, the connectors grip the rubber seal ring (answer, pages 3-5).

During patent prosecution, claims are to be given their broadest reasonable interpretation consistent with the specification, as the claim language would have been read by one of ordinary skill in the art in view of the specification and prior art. *See In re Zletz*, 893 F.2d 319, 321, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989); *In re Sneed*, 710 F.2d 1544, 1548, 218 USPQ 385, 388 (Fed. Cir. 1983); *In re Herz*, 537 F.2d 549, 551, 190 USPQ 461, 463 (CCPA 1976); *In re Okuzawa*, 537 F.2d 545, 548, 190 USPQ 464, 466 (CCPA 1976). Limitations, however, are not to be read from the specification into the claims. *See In re Prater*, 415 F.2d 1393, 1405, 162 USPQ 541, 551 (CCPA 1969).

The appellant's specification indicates that "gripped" in the appellant's claims means that the insulator ring is actually grasped by the first and second inserts themselves. As shown in the appellant's figure 3, the insulator ring (44) is grasped from the right by the first threaded insert (33) at o-ring 50 and from the left by the second threaded insert (46)

outside o-ring 52. Although this figure is merely an embodiment of the claimed invention, there is nothing in the specification which indicates that "gripped" in the appellant's claims is to be interpreted more broadly than meaning that the insulator ring is grasped by the first and second threaded inserts themselves.

Because Cheng does not disclose an insulator ring which is gripped, as that term is used by the appellant, by first and second threaded inserts, the reference does not anticipate the claimed invention. *See Scripps Clinic & Research Found. v. Genentech Inc.*, 927 F.2d 1565, 1576, 18 USPQ2d 1001, 1010 (Fed. Cir. 1991) (In order for a claimed invention to be anticipated under 35 U.S.C. § 102(b), all of the elements of the claim must be found in one reference). Consequently, we reverse the rejection under 35 U.S.C. § 102(e). Also, because the examiner has provided no explanation as to why one of ordinary skill in the art would have modified Cheng such that an insulator ring is gripped by first and second threaded inserts, we reverse the rejection under 35 U.S.C. § 103.

DECISION

Appeal No. 2000-0310
Application 08/848,759

The rejections of claims 1-13 under 35 U.S.C. §§ 102(e)
and 103 are reversed.

REVERSED

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CHARLES F. WARREN)	
Administrative Patent Judge)	
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)	BOARD OF PATENT
TERRY J. OWENS))
Administrative Patent Judge)	APPEALS AND
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JEFFREY T. SMITH))
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